

1957

February 26

Mr. Alfred S. Cloues
State Treasurer
State House
Concord, New Hampshire

Dear Mr. Cloues:

This is in response to your letter of February 18, requesting our interpretation of a footnote appearing beneath the appropriation for the Surplus Food Commodities Division of the Department of Administration and Control in chapter 339, Laws 1955. The footnote reads as follows:

"Authority is hereby given to utilize so much as may be necessary of the balance accumulated as of June 30, 1955 or any surplus accumulating during the fiscal years 1956 and 1957 within this subdivision, to efficiently operate this division without the use of any other state funds."

You ask whether you should restrict payments to the total of each line item in the appropriation unless transfers from balance and surplus are authorized by the Comptroller or whether the footnote gives you the right to honor all manifests presented for payment for any purpose as long as the balance and accumulated surplus is not exceeded.

It is the opinion of this office that a manifest exceeding a line item in the appropriation should not be honored unless a transfer or allocation of funds has been made by the Comptroller on authorization of Governor and Council as provided in RSA 9:17.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

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